IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

RP.No. 604 of 2007(R)

AGAINST THE JUDGEMENT/ORDER IN WPC.18005/2007

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PETITIONERS/RSPONDENTS 2,5 & 6

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1. SECRETARY, THRISSUR MUNICIPAL CORPORATION, THRISSUR-1.

2. THE HEALTH SUPERVISOR, THRISSUR CORPORATION, THRISSUR-1.

3. THE FOOD INSPECTOR, THRISSUR CORPORATION, THRISSUR-1.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO

RESPONDENTS: PETITIONER & RESPONDENTS 1,3 AND 4

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1. A.S.TRADERS, TOBACCO MERCHANTS AND COMMISSION AGENTS, REPRESENTED BY ITS MANAGER, JENSON JAMES.

2. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, THIRUVANANTHAPURAM.

3. D.R.S. ROAD LINES, PARCEL SERVICE AGENTS POOTHOLE, THRISSUR.

4. M/S.JAISWAL PRODUCTS, C-32, PREETH VIHAR, DELHI- 110092.

R2 BY GOVERNMENT PLEADER SRI. K.J. MOHAMMED ANZAR.
R1 BY ADV. SRI.M.RAMASWAMY PILLAI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.M.JOSEPH, J.

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R.P. 604 OF 2007 IN WP.(C) No.18005
of 2007

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Dated this the 11th day of July, 2007

ORDER

By interim order this court recorded the submission of the learned counsel for the Corporation that the Corporation will also co-operate with the petitioner for the purpose of sending back the seized goods to the manufacturer. In this review petition it is contended that the Standing Counsel was not instructed to submit that the Corporation will co-operate with the first respondent, who is the petitioner in the writ petition, to send back the goods. It is submitted that there was no such concession given on the side of the Corporation. Petitioner relies on the decision reported in **Board of Control for Cricket in India v. Netaji Cricket Club** ((2005) 4 SCC 741) to contend that even the mistake on the part of a lawyer can be a ground for review.

2. I heard learned counsel for the respondents also. It is stated by the Standing Counsel that the seized articles are under the custody of the Magistrate Court in Crime No.224/2007 of Thrissur Town West Police Station and that the remedy of the first respondent is to approach

the Magistrate Court under Section 451 of the Criminal Procedure Code.

Having regard to all facts, the review petition is disposed of making it clear that in view of the registration of the crime, it is for the first respondent to approach the Magistrate Court for the seized items released and it is for the Magistrate to pass orders in accordance with law.

(K.M. JOSEPH, JUDGE)

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